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14  
15 **UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

16 GARY YAGHYAZARIAN and ELENA  
17 THORMAHLEN, individually and on  
behalf of all others similarly situated,

18 Plaintiffs,

19 vs.

20 PROGRESSIVE DIRECT INSURANCE  
COMPANY and PROGRESSIVE  
21 NORTHERN INSURANCE COMPANY,  
Ohio corporations,

22 Defendants.  
23  
24

Case No.: 2:22-cv-01339-CDS-VCF

**JOINT STIPULATION FOR  
EXTENSION OF TIME FOR CLASS  
CERTIFICATION BRIEFING,  
EXPERT DISCLOSURES, AND TO  
AMEND THE CASE  
MANAGEMENT ORDER**

1 Plaintiffs Gary Yaghyazarian and Elena Thormahlen and Defendants  
2 Progressive Direct Insurance Company and Progressive Northern Insurance Company  
3 jointly move to modify the Amended Case Management Order entered by this Court  
4 on June 16, 2023 [D.E. 62], and state as follows:  
5

6 1. District courts have inherent power to control their own dockets.  
7  
8 *Hamilton Copper & Stell Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir.  
9 1990).

10 2. This case is one of 35 related class actions Progressive and its affiliates  
11 challenging the calculation of the Projected Sold Adjustment (“PSA”) in valuing  
12 total-loss claims (the “PSA Cases”). King & Spalding LLP represents the defendants  
13 in all the PSA Cases, and Shamis & Gentile P.A., Edelsberg Law P.A., Normand  
14 PLLC, and Carney Bates & Pulliam represent nearly all plaintiffs in the PSA Cases.  
15

16 3. On June 16, 2023, this Court granted the Parties’ Motion to Amend the  
17 Case Management Order to allow sufficient time for the voluminous and time-  
18 intensive document production of a sample of 150 claim files Plaintiffs requested  
19 from Defendants and to conduct depositions. The Amended Case Management Order  
20 extended, *inter alia*, the deadline for Plaintiffs’ to file their Motion for Class  
21 Certification and serve their Expert Disclosures to December 7, 2023. *Id.*  
22  
23

24 4. The Parties have been diligently working to meet the deadlines  
25 transcribed in the Amended Case Management Order, however, Plaintiffs’ require  
26  
27  
28

1 additional time to review and analyze the 150 sample claim files Defendants  
2 produced, confer with experts, and to file their Motion for Class Certification.

3  
4 5. By this Motion, the Parties respectfully seek a 55-day extension of the  
5 deadline for Plaintiffs' to file their Motion for Class Certification and serve their  
6 Expert Disclosures.

7  
8 6. Accordingly, to allow the same amount of time as the Case Management  
9 order allotted, the Parties also respectfully request a 55-day extension to the other  
10 deadlines below.

11  
12 7. Federal Rule of Civil Procedure 6(b) permits a court to grant an  
13 extension of time for good cause and, "like all the Federal Rules of Civil Procedure,  
14 '[is] to be liberally construed to effectuate the general purpose of seeing that cases  
15 are tried on the merits.'" *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1254, 1258-59  
16 (9th Cir. 2010) (quoting *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir.1983)).  
17 Consequently, requests for extensions of time made before the applicable deadline  
18 has passed should 'normally ... be granted in the absence of bad faith on the part of  
19 the party seeking relief or prejudice to the adverse party.'" *Id.* (quoting 4B Charles  
20 Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed.  
21 2004)).

22  
23 8. Further, "Plaintiff[s'] request for an extension of less than two months  
24 ...is reasonable." *Godinez v. L. Offs. of Clark Garen*, No.

SACV1600828CJCDFMX, 2016 WL 4527512, at \*2 (C.D. Cal. Aug. 30, 2016)

9. Thus, the Parties request that the Court amend the case management order to set new deadlines for expert reports and class certification briefing.

10. The Parties have worked diligently to meet all deadlines set by the scheduling order, and have made significant strides, including the completion of fact discovery and depositions. However, due to the demands of the other PSA Cases, accounting for the travel schedules of Counsel and Plaintiffs' experts during the holiday season, and the multitude of discovery that still needs to be reviewed, the Parties respectfully request a slight modification to the Amended Case Management Order.

11. For the reasons discussed above, good cause exists for modifying the Amended Case Management Order.

12. This Motion is made in good faith, not for delay or any dilatory tactic, and no party will be unduly prejudiced or harmed by the grant of this Motion.

WHEREFORE, Plaintiffs and Defendants respectfully request the following modifications detailed below:

	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Plaintiffs' Expert Disclosures	December 7, 2023	January 31, 2024
Plaintiffs' Motion for Class Certification	December 7, 2023	January 31, 2024

Defendants' Expert Disclosures	February 12, 2024	April 8, 2024
Defendants' Opposition to Class Certification	February 12, 2024	April 8, 2024
Plaintiffs' Reply in Support of Class Certification	March 26, 2024	May 20, 2024

Respectfully submitted,

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*Counsel for Defendants*

**IT IS SO ORDERED:**

DATED: 12-6-2023



Hon. Cam Ferenbach  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.

Respectfully submitted,

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